Supreme Court, U.S.
FILED
07-434 DEC 9 - 2006
OFFICE OF THE CLERK

No.

IN THE

SUPREME COURT OF THE UNITED STATES

PRINCE EDWARD FORYOH,

PETITIONER,

v.

TRITON COLLEGE,

RESPONDENT.

On the Petition For Writ of Certiorari To The United Statees Court Of Appeals For The Sixth Circuit

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PETITION FOR WRIT OF CERTIORARI

PRINCE EDWARD FORYOH

6113 N. HAMILTON AVENUE

APT 1

CHICAGO, ILLINOIS 60659

(773) 262-6331

There U.S. Supreme Court of the United States, I am seeking a review of the judgment made in my case by the United States District Court For The Northern District of Illinois and The United States Court of Appeals in Chicago Illinois.

My questions presented for review:

1. There are cases have been given a trial beyond their statute of limitations and why my case should not giving a trial as I honestly know there is justice for all? See table of authorities.

2. Cases have been given a trial in the Unite States Court of Appeals in Chicago Illinois despite of the Illinois' two years statute of limitations? See table of authorities.

3. I am begging the U. S. Supreme Court of the United States if there is any other way under any law or under the U.S. Supreme Court of the United States' laws that my case an be giving a trial? I strongly believe that justice is for all. Also, I am filing petition without an Attorney.

4. Also, at the time of the trial, none of my witnesses showed up for the trial. Therefore, I respectfully informing the U.S. Supreme Court of the United States under any laws my case can be giving a trial under the condition when my witnesses did not showed up. Also, this was the main reason I founded guilty in court.

LIST OF ALL PARTIES

1. The petitioner is Prince Edward Foryoh is representing himself. Address at 6113 North Hamilton Avenue, Apartment one, Chicago, Illinois 60659. Phone Number:(773)262-6331.

2. The Respondent is Triton College with Triton College's Attorney Danniel E. Cannon, KUSPER AND RAUCCICHARTER, 30 NORTH LaSalle Street, Suite 3400, Chicago, Illinois 60602. Phone Number:(312)332-5000

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Ashafa v. City of Chicago, 146F. 3d 459, 462 (7th Cir. 1998)...passim

THE STATEMENT FOR BASIS FOR JURISDICTION

The incident occurred in the United States of America the territory in which the Supreme Court of the United States has the authority of exercise their powers. Also, jurisdiction is proper under 28 U.S.C. section 1331 and section 1343.

THE CONSTITUTIONAL PROVISION

The Constitutional Provision brought this action under the United States Constitution, 42 U.S.C. Section 1983, and Section 1988

THE TREATIES

The Supreme Court of the United States has the right to review the case under the United States Constitution.

THE STATEMENT OF THE CASE

The statement of the case involved the Statute of Limitation.

THE REASON FOR GRANTING THE WRIT, AND APPENDIX. RULE 14.1

The Supreme Court of the United States has the right to review my case under the United States Constitution.

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT - EASTERN
DIVISION

ILLINOIS

PRINCE E. FORYOH	)	
	)	
Plaintiff,	)	
	)	No. 05c243
vs.	)	
	)	
TRITON COLLEGE	)	
	)	
Defendant.	)	

FIRST AMENDED COMPLAINT

Plaintiff, Prince E. Foryoh, brings this Amended Complaint against the Defendant, Triton College

Introduction

1. This action is brought pursuant to the United States Constitution, 42 U.S.C. Section 1983 and section and section 1988, and the laws of the state of Illinois, to redress deprivations of the Civil Rights of Prince E. Foryoh and accomplished by acts and omission of the Defendants committed under color of law.

Jurisdiction

2. Jurisdiction is proper under 28 U.S.C. section 1331 and section 1343.
3. Venue is proper under 28 U.S.C.section 139(b). All parties reside in this judicial district, and all vents giving rise to the claims asserted herein occurred in this district.

Factual Allegations Common to All Counts

4. Plaintiff, Prince E. Foryoh is a resident of the State of Illinois.
5. Defendant, Triton College, was at all relevant times an education institution in the State of Illinois. Defendant employed personnel for security purposes on campus.
6. At all relevant times, aforesaid security personnel would have been acting within the scope of their employment and under color of law.

7. That Triton College hired the aforesaid security personnel with inadequate screening policies in place.
8. That Triton College was responsible for providing proper training for the aforesaid security personnel.
9. That Triton College failed to provided adequate training for the aforesaid security personnel.
10. On or about April 17, 2002, the Plaintiff was in classroom of Triton College.
11. While he was in the classroom, he was accused of slander by another student and physically attacked.
12. Three security officers were called to the classroom by person or persons unknown.
13. One of the security officers informed the plaintiff that he was under arrest and placed the Plaintiff in handcuffs.
14. When the plaintiff complained that the handcuffs were too tight, all three security officers beat and kicked the Plaintiff repeatedly.
15. There was no probable cause for the plaintiff's arrest.
16. The attack by Defendant's employees was unprovoked and unjustified.
17. The attack by Defendant's employees injured and publicly humiliated the plaintiff.

Count 1

(Section 1983 Claim: False Arrest)

1. Plaintiff realleges and reincorporates his allegations of paragraphs 1-17 as though fully set forth herein.
2. The Defendant's employees took Mr. Foryoh into custody even though they knew that there was no probable cause for the arrest.
3. The Defendant, by and through its employees caused a criminal complaint to be filed against
   Mr. Foryoh to cover up the unlawful use of force by Defendant's employees.
4. Mr. Foryoh suffered injuries as a result of Defendant's employees actions.
5. Defendant's employees' actions were intentional, willful, and wanton.
6. Defendant's employees' actions violated Mr. Foryoh's rights under the Fourth and Fourteenth Amendments of the United States

Constitution a protected by 42 U.S.C. &1983.

7. As a direct and proximate consequence of Defendant's employees' action, Mr. Foryoh suffered violations of his Constitutional Rights, psychological trauma, emotional anxiety, pain, suffering, and monetary expense.

WHEREFORE, Plaintiff Prince E.Foryoh prays that this Count enter judgment against Defendant Triton College for falsely arresting Prince E. Foryoh, award damages in an amount to be determined at trial, award punitive damages in an amount to be determined at trial, and award all other relief as may be just and proper under the law or equity including costs and attorney fees pursuant to 42 U.S.C.&1988.

COUNT 11

(Section 1983 Claim: Excessive Force)

1. Mr. Foryoh realleges and reincorporates his allegations of paragraphs 1-17 of as though fully set forth herein.
2. The Defendant's employees took Mr.Foryoh into custody even though they knew that there was no probable cause for the arrest,
3. The Defendant, by and through its employees, caused a criminal complaint to be filed against Mr. Foryoh to cover up the unlawful use of force by Defendant's employees.
4. Defendant's employees use of force was unprovoked, excessive, and unreasonable.
5. Mr. Foryoh suffered injuries as a result of Defendant's employees' actions,
6. Defendant's employees' actions were intentional, willful, and wanton.
7. Defendant's employees' actions violated Mr. Foryoh's rights under the Fourth and Fourteenth Amendments of the United States Constitution as protected by 42 U.S.C.&1983.
8. As a direct and proximate consequence of Defendants's actions, Mr. Foryoh suffered violations of his Constitutional Rights, psychological trauma, emotional anxiety, pain, suffering, and monetary expense.

WHEREFORE, Plaintiff Prince E. Foryoh prays that this Court enter judgment against Defendant Triton College for the use of excessive force against Prince E. Foryoh, award damages in an amount to be

determined at trial, award punitive damages in an amount to be determined at trial, and award all other relief as may be just and proper under the law or equity including costs and attorney fees pursuant to 42 U.S.C.&1988

Dated November 28,2005

Respectfully Submitted
Prince E. Foryoh

Kathleen R. Salvi one of Plaintiff's Attorneys

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PRINCE E. FORYOH,	)	
	)	
Plaintiff,	)	No. 05 C2423
	)	
v.	)	Judge John W. Darrah
	)	
TRITON COLLEGE,	)	
	)	
Defendant,	)	

MEMORANDUM OPINION AND ORDER

Plaintiff, Prince E. Foryoh, filed suit against Defendant, Triton College, alleging false arrest (Count 1) and excessive force (Count11), pursuant to 42 U.S.C. Sec 1983. Presently pending before the Court is Triton's Motion to Dismiss.

In reviewing a motion to dismiss, the court reviews all facts alleged in the complaint and any reasonable inferences drawn therefrom in the light most favorable to the plaintiff. See Marshall-Mosby v. Corporate Receivable, Inc., 205 F.3d 323, 326 (7th Cir. 2000). Dismissal is warranty only if "it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46 (1957).

A reading of Plaintiff's First Amended Complaint supports the following summary of the alleged conduct of the parties.

On April 17, 2002, Foryoh, a student at Triton, was accused of slander and physically attacking another student. Three security officers were called to the classroom where the attack took place, and they proceeded to handcuff and arrest Foryoh. When Foryoh complained that his handcuffs were too tight, the three security officers beat and kicked him repeatedly.

On July 22, 2003, as a result of the April 17, 2002 incident, Foryoh was found guilty of misdemeanor battery. On August 19, 2003, Foryoh was sentenced to one-year conditional discharged; and he successfully

completed his sentence on August 17, 2004. On April 22, 2005, Foryoh filed a complaint, seeking $5,00,000 from Triton for the injuries he suffered from the April 17,2002 incident. On November 28, 2005, Foryoh filed his First Amended Complaint, alleging false arrest and excessive force, pursuant to 42 U.S.C. Sec 1983.

Triton seeks to dismiss Foryoh's First Amended Complaint, contending that the claims are time-barred.

Section 1983 claims are governed by the forum state's personal injury statute of limitations. See Wilson v. Garcia, 471U.S.261,279 (1985); Johnson v. Rivera, 272 F.3d 519, 521 (7th Cir. 2001) (Johnson). In Illinois, the limitations period for a Section 1983 claim is two years. See Johnson, 272 F.3d at 521. Furthermore, a Section 1983 action accrues when the plaintiff knew or had reason to know of the injury that is the basis of his claim. See Sellars v. Perry, 80 F. 3d 243, 245 (7th Cir. 1996).

Foryoh allegedly suffered false arrest and excessive force during a single incident on April 17,2002. As he was allegedly handcuffed and beaten on April 17, 2002, Foryoh knew of his alleged injuries on that day because Foryoh knew of the injuries that are the basis of his claim on April 17, 2002, that is the day when his Section 1983 action accrued. Foryoh's initial complaint was not filed until April 22, 2005. Therefore, barring equitable tolling of the statute of limitations, Foryoh 's false arrest and excessive force claims must have accrued after April 21, 2003.

Foryoh concedes that he did not meet the April 21, 2003 deadline. He contends, however, that he was under the belief that he was required to complete his sentence of conditional discharged before he could bring his claim of excessive force and false arrest. Foryoh argues that since he operated under the assumption that he had until August 17, 2006, to bring his claim, his April 22, 2005 complaint was timely.
No authority exists exempting a plaintiff from the statute of limitations for Section 1983 actions because of a mistake in interpretation. Although Foryoh did not raise issue, equitable tolling of a statute of limitation can be employed when the statute would have unfair results, when a plaintiff cannot reasonably be expected to sue within the allotted time, or when, despite due diligence, a plaintiff is unable to obtain vital information bearing on the existence of his claim. See Hucko v. City of Oak Forest, 1999 WL 689996 (N.D.Ill.); Miller v. New Jersey State

Dept. of Corrections, 145 F.3d 616, 618 (3rd Cir. 1998); Heck v. Humphrey, 997 F.2d 355, 357 (7th Cir. 1992); Central States, Southeast & Southwest Areas Pension Fund v. Slotky, 956 F.2d 1369, 1376 (7th Cir. 1992); Smith v. Chicago Heights, 951 F.2d 834, 839 (7th Cir. 1991). Applying the statute of limitations to Foryoh's claims is neither unfair nor unreasonable, and Foryoh faced no impediment to obtaining information bearing on the existence of his claim.

The two-year statute of limitations applicable to Section 1983 claims brought in Illinois bars Foryoh's First Amended Complaint. Accordingly, Defendant's motion to Dismiss is granted; and Plaintiff's First Amended Complaint is dismissed

Dated February 10,2006

JOHN W. DARRAH
United States District Court Judge

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

THE APPELLANT'S BRIEF AND SHORT APPENDIX

Appeal No.:06-1626

Caption:
PRINCE E. FORYOH,
Plaintiff-Appellant
v.
TRINTON COLLEGE,
Defendant-Appellee

On November 28, 2005, I filed my First Amended Complaint, alleging false arrest and excessive force, pursuant to 42 U.S.C. Sec. 1983 on page two of the Memorandum Opinion and Order. My original complaint was filed on April 22, 2005 after April 17,2002. On August 19, 2003, I was sentenced to one-year conditional discharge and I successfully completed my sentence on August 17,2004. Limitations period applicable to Sec 1983 action arising out of arrest or conviction begins to run despite pendency of habeas corpus action in federal court or direct appeal in state court; such proceedings do not toll statue or defer start of limitations period. See Smith v. Holtz., M.D.Pa. 1994, 856F.Supp. 227, on reconsideration 879F.Supp. 435, affirmed 87F.3d 108, certiorari denied 117S.Ct.611, 519U.S.1041, 136L.Ed.2d 536, pursuant to 42 U.S.C. Sec 1983. By arising the statute of limitations out of conviction, I was convicted on August19, 2003 and I filed my original complaint on April 22, 2005. Therefore, I was still within the statute of limitations which was one-year eight months and three days. Also, at the time of this incident at Triton College that happened to me, I had no knowledge of the right statute of limitations. Under Pensylvania law of the Federal law, general rule is that statute of limitations begins to run as soon as right to institute and maintain suit arises, and lack of knowledge, mistake, or misunderstanding do no toll running of statute of limitations.

See Barnes v. American Tobacco Co. Inc., 984 F. Supp. 842, affirmed 161F.3d 127, certiorari denied 119 S. Ct. 1760, 526 U.S. 1114, 143.L.Ed,2d 791. Action under civil rights act was governed by five-year, rather that two-year, Illinois statute limitations. See Weber v. Consumers Digest, Inc, 440 F.2d 729. Therefore, from the time I was arrested, convicted, and file my original complained, I should still be within the five years statute of limitations which was three years and five days from the time I was arrested, convicted, successfully complete my sentence, and filed my orginal complaint. Under 42 U.S.C. Sec 1983 of Federal law, Missouri's five-year statute of limitations applicable to civil right lawsuit. See Carr v. Aubuchon, C.A.8(Mo.) 1992, 969 F.2d 714. After the incident at Triton Colleges that happened to me, I suffered back injury and other injuries. I am still suffering of the back injuries. A contrary approach was taken where the district court chose a five-year residual statute instead of a two-year limitations period for direct physical injuries. See Shorters v. City of Chicago F.Supp. 661 (N.D. 111. 1985). See 1983 civil rights suit against school districts three years before suit was commenced was timely, despite two-year Illinois statute of limitations. See Palmer v. Board of Educ. of Community Unit School Dist. 201-U, Will Count, Ill., C.A.7(Ill.) 1995, 46F. 3d 682, under 42 U.S.C. Sec. 1983. The incident occurred on April 17, 2002 and not until the criminal proceeding pending against me were completely ended on August 19, 2003 and August 17, 2004. The ending of August 19, 2003 to the date of April 22, 2005 when I filed my original complaint is one-year eight months and three days still within the statute of limitations. The ending of August 17, 2004 when I successfully completed my sentenced to the date of April 22, 2005 I filed my original complaint is one-year three months and five days still within the statute of limitations. Under 42 U.S.C. Sec 1983, limitations period governing See 1983 action arising from arrest was not tolled while state criminal proceedings were pending against arrestee and equitable tolling was not warranted absent any showing of continuing harm or improper inducement. See Hackenburg v. ZuKowski, M.D. Pa. 1991, 754F.Supp. 409. My Fourth and Fourteenth amendments were violated when I was falsely arrested and falsely imprisonment. Under 42 U.S.C. Sec. 1983, civil rights action involved a violation of First Amendment was not barred by six-year statute limitations. See Lavey v. City of Two River, E.D. Wis. 1998, 994 F.Supp. 1019, affirmed 171F.3d1110. Under 42

U.S.C. Sec 1983, former student who was arrested and prosecuted more than 19 years, before he filed his malicious prosecution was not barred by the statute of limitations where the action was filed within three years. See Emory v. Logan, D. Mass. 1992, 801F.Supp. 899.

In conclusion, this petition attempts to challenge the claims of the law as interpreted by Daniel E. Cannon's claims of his Memorandum of Law and the sequel of the attendant decision fundamentally he seems to be overwhelmingly pinned down to his understanding of a so-called rigid-interpretation of the statute of limitations of 42 U.S.C. Sec 1983 actions. My argument continues to be that actually no such reading of section 1983 action actually exists, as follows: (A) according to even the learned Attorney in a subsequent paragraph while under 42 U.S.C. Sec 1983 does not contain an express statute of limitations, a federal court must adopt the forum's stat's limitations for periods for personal injury claims. Henderson v. Bolanda 253 F.3d 928, 931 (7th Cir. 2001) refer to the Defendant's Rule 12(b)(6) motion to Dismiss First Amended Complaint of page two. (B) typically of most respectfully, his equally consistent contradition he immediately thereafter reinterates that, inspite or despite the whole host of rather vigorous contestations before and after this concession that the correct statute of limitations under 42 U.S.C. Sec 1983 actions filed in Illinois is two years as set forth in 735 ILCS5/13-202(West 2004) F.3d at 931, refer to page two of the Defendant's Rule 12(b)(6) motion to Dismiss First Amended Complaints. But under 42 U.S.C. Sec 1983 have been proving beyond the two-year statute of limitations as I stated the proved in my brief.

In short, I am respectfully, with honor with due regard to the concession already mentioned of there being no "express statute of limitations" inherent under 42 U.S.C. Sec. 1983 that this case be finally therefore trial in the federal court while my charges that Triton College's police officers(A) caused me severe bodily injury(b) the used of excess physical forces in falsely arresting me, and that (c) this case had still not enjoyed the reasonable standards of a fair trial and it is deserving to respectfully submitted.

Sincerely

Prince E. Foryoh

App.11

UNITED STATES COURT OF APPEALS

For the Seventh Circuit

Chicago, Illinois 60604

My reply to the Defendant Brief

Appeal No.:06-1626

Caption:
PRINCE E. FORYOH,
Plaintiff-Appellant

V.

TRITON COLLEGE,
Defendant-Appellee

On November 28, 2005, I filed my First Amended Complaint, alleging false arrest and excess force, pursuant to 42 U.S.C. Sec. 1983 actions in Illinois to "all civil actions." My original complaint was filed on April 22, 2005 after April 17, 2002. On August 19, 2003, I was sentenced to one-year conditional discharged and I successfully completed my sentenced on August 17, 2004. The United States Court of Appeals For the Seventh Circuit in Illinois applied the five-year statute of limitation rather than the two year two statute of limitations. My case partially involved direct physical injury but the case is more of "civil action"; the violations of my personal rights and my amendments rights under the constitution of the United States. In the Case of Kwame Kalimara alleged that, on February 3, 1983, He was discharged from his job at the Stateville Correctional Library without explanation and in violation of his first, fourth, and fourteenth amendment rights. On January 29, 1988, Mr. kalimara filed a complaint under 42 U.S.C. Sec 1983 was four-year eleven months and twenty-six days. The United States Court of Appeal For the Seventh Circuit applied the five-year statute of limitation rather than the two year statute of limitations which sounded reasonable. Though the decision has been criticized or questioned but the decision or the case has never been "overturned."

Compare to my case Prince E. Foryoh V. Triton College, from the time the action occurred to the time I filed my complaint was three-year and five days. Therefore, I justifiably believe that I should be within a reasonable time of filing my case. See Kalimara V. Illinois Department of Correction., 879F. 2d 276,277(7th Cir. 1989). Illinois rely on a five-year statute of limitations though the decision have been criticized or questioned but the decision or the case have never been "overturned." The statute of limitations governed Sec 1983 actions in Illinois is five-year statute applicable to "all civil actions not otherwise provided for," See Shorter V. City of Chicago, 617F.Supp61 (N.D. Ill. 1985). My case mainly involved of "civil action" rather than of direct physical injury, therefore, my case should be justifiably cover by the residual five-year limitations period under the predecessor to Section 13-205. The United States Court of Appeal For the Seventh Circuit has applied the residual five-year limitations period in cases for "civil action." See Bassett V. Bassett, 20 Ill. App. 543, 547-48 (4th Dist. 1086). The United States Court of Appeals have applied the five-year statute of limitations rather than the two years statute of limitations; though the decisions have been criticized or questioned but the cases or the decisions have never been "overturned." See Kness V. Grimm, 761F. Supp. 513,517-18 (N.D.Ill. 1991), and Wegrzyn V. Illinois Department of Children and Family Services, 627F. Supp.636, 640(C.D.Ill. 1986) and Ashafa V. City of Chicago, 146F.3d 459, 462 (7th Cir. 1998). Lastly, equitable tolling permits plaintiff to sue after the statute of limitations expires if through no fault or lack of diligence on his part when plaintiff was unable to sue before.

The constitution's command is that all "person" shall be accorded the full privileges of citizenship; no person shall be deprived of life, liberty, or property without due process of law or be denied the equal protection of the laws. A violation of that command is an injury to the individual rights of the person. The rights enforceable under Sec 1983 include those guaranteed by the Federal Government in the Fourteenth Amendment: that every person within the United States is entitled to equal protection of the laws and to those "fundamental principles of liberty and justice" that are contained in the Bill of Rights and "lie at the base of all our civil and political institutions."

In conclusion, I justifiably believe that the United States Court of Appeal For the Seventh Circuit in Illinois will give my case a trial.

Justice is for all and justice will always be for all. Lastly, I strongly believe that we are all protected under the law equally.

Sincerely

Prince E. Foryoh

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

Submitted September 25, 2006*
Decided September 26, 2006

Before

Hon. RICHARD A. POSNER, Circuit Judge

Hon. TERENCE T. EVANS, Circuit Judge

Hon. ANN CLAIR WILLIAMS, Circuit Judge

No. 06-1626

PRINCE E. FORYOH
Plaintiff-Appellant,

v.

TRITON COLLEGE,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois
Eastern Division

N0. 05 C 2423

John W. Darrah, Judge

ORDER

Prince Foryoh sued Triton College under 42 U.S.C. Sec 1983 alleging that he was beaten in the course of an arrest on campus. The district court determined that Foryoh's claims were barred by the applicable two-year statute of limitations and granted Triton College's motion to dismiss. We affirm.

In April 2005, Foryoh filed suit against Triton College, alleging false arrest and excessive force arising out of an altercation with a fellow

student three years earlier that resulted in his arrest and beating by Trition College police officers.

. After an examination of the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. Fed. R. App. P. 34(a)(2).

Upon his release from custody, Foryoh alleges that he sought medical treatment for injuries sustained during the arrest. Foryoh was convicted of misdemeanor battery related to the incident and served a sentence of conditional release. Triton College moved to dismiss his complaint under Fed. R. Civ. P. 12(b)(6) due tok the passage of the statute of limitations. The district court granted the motion, determining that Foryoh's complaint had been filed outside the applicable two-year statute of limitations. 735 ILCS 5/13-202, and that equitable tolling did not apply to extend the deadline.

On appeal, Foryoh argues that the district court applied the wrong statute of limitations to his 42 U.S.C. Sec 1983 claims, arguing that the five-year "catch-all" statute, 735 ILCS 5/13-205,

rather than the two-year statute of limitations for personal injuries, 735ILCS5/13-202, is proper. It is well-settled, however, that the two-year period is the appropriate statute of limitations in Illinois for Sec 1983 claims. 735 ILCS5/13-20; Evans v. City of Chicago, 434 F.3d 916, 934 (7th Cir. 2006).

Foryoh next contends that even if the two-year limitations period applies to his claims, the district court erred in finding that his filing was untimely. Although he concedes that he filed his initial complaint more than three years after his arrest, he argues that his claims accrued not upon the date of his arrest but on either the date of his conviction, August 19, 2003 (one year, eight months and three days before he filed his complaint), or the date his sentence ended, August 17, 2004(eight months and five days before filing). However, a claim for false arrest under Sec 1983 accrues at the time of arrest Wallace v. City of Chicago, 440 F. 3d 421, 423 (7th Cir. 2006), as would Foryoh's excessive force

claim, see Evans, 434 F. 3d at 934. His original complaint, dated April 22, 2005, was filed more than three years after his claims accrued--a year past the limitations period.** As for his argument that his claims should be tolled until the date he finished serving his sentence of conditional release, "nothing in either federal law or Illinois law tolls or delays the running of an applicable statute of limitations on a Sec 1983 claim until criminal proceedings are concluded." Evans, 434 F.3d at 934.

AFFIRMED.

"Because the defendant has not argued that Foryoh's false arrest claim would necessarily imply the invalidity of his underlying conviction such that it would be barred by Heck v. Humphrey, 512 U.S. 477, 486-87(1994), we do no address that issue here. See Okoro v. Bohman, 164 F.3d 1059, 1061 (7th Cir. 1999).

UNITED STATES COURT OF APPEALS

For the Seventh Circuit Court

Chicago, Illinois 60604

JUDGMENT -WITHOUT ORAL ARGUMENT

Date: September 26,2006

BEFORE: Honorable RICHARD A. POSBER, Circuit Judge

Honorable RICHARD T. EVANS, Circuit Judge

Honorable ANN CLAIRE WILLIAMS,Circuit Judge

No.06-1626

PRINCE E. FORYOH,
Plaintiff-Appellant

v.

TRITION COLLEGE,
Defendant-Appellee

Appeal from the United State District Court for the Northern District of Illinois, Eastern Division
No. 05C2423, John W. Darrah, Judge

The Judgment of the District Court is AFFIRM, in accordance with the decision of this court entered on this date

(1060-1103930)